



Rep. Julie Hamos

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LRB094 09305 RSP 47148 a

1 AMENDMENT TO SENATE BILL 431

2 AMENDMENT NO. _____. Amend Senate Bill 431 as follows:

3 on page 1, by deleting lines 4 through 7; and

4 on page 1, line 9, after "Sections", by inserting "3.160,"; and

5 on page 1, line 10, by deleting "4.2, 21.7,"; and

6 on page 1, by replacing lines 12 through 17 with the following:

7 "(415 ILCS 5/3.160) (was 415 ILCS 5/3.78 and 3.78a)

8 Sec. 3.160. Construction or demolition debris.

9 (a) "General construction or demolition debris" means
10 non-hazardous, uncontaminated materials resulting from the
11 construction, remodeling, repair, and demolition of utilities,
12 structures, and roads, limited to the following: bricks,
13 concrete, and other masonry materials; soil; rock; wood,
14 including non-hazardous painted, treated, and coated wood and
15 wood products; wall coverings; plaster; drywall; plumbing
16 fixtures; non-asbestos insulation; roofing shingles and other
17 roof coverings; reclaimed asphalt pavement; glass; plastics
18 that are not sealed in a manner that conceals waste; electrical
19 wiring and components containing no hazardous substances; and
20 piping or metals incidental to any of those materials.

21 General construction or demolition debris does not include

1 uncontaminated soil generated during construction, remodeling,
2 repair, and demolition of utilities, structures, and roads
3 provided the uncontaminated soil is not commingled with any
4 general construction or demolition debris or other waste.

5 To the extent allowed by federal law, uncontaminated
6 concrete with protruding rebar shall be considered clean
7 construction or demolition debris and shall not be considered
8 "waste" if it is separated or processed and returned to the
9 economic mainstream in the form of raw materials or products
10 within 4 years of its generation, if it is not speculatively
11 accumulated and, if used as a fill material, it is used in
12 accordance with item (i) in subsection (b) of this Section
13 within 30 days of its generation.

14 (b) "Clean construction or demolition debris" means
15 uncontaminated broken concrete without protruding metal bars,
16 bricks, rock, stone, reclaimed asphalt pavement, or soil
17 generated from construction or demolition activities.

18 Clean construction or demolition debris does not include
19 uncontaminated soil generated during construction, remodeling,
20 repair, and demolition of utilities, structures, and roads
21 provided the uncontaminated soil is not commingled with any
22 clean construction or demolition debris or other waste.

23 To the extent allowed by federal law, clean construction or
24 demolition debris shall not be considered "waste" if it is (i)
25 used as fill material outside of a setback zone if the fill is
26 placed no higher than the highest point of elevation existing
27 prior to the filling immediately adjacent to the fill area, and
28 if covered by sufficient uncontaminated soil to support
29 vegetation within 30 days of the completion of filling or if
30 covered by a road or structure, or (ii) separated or processed
31 and returned to the economic mainstream in the form of raw
32 materials or products, if it is not speculatively accumulated
33 and, if used as a fill material, it is used in accordance with
34 item (i) within 30 days of its generation, or (iii) solely

1 broken concrete without protruding metal bars used for erosion
2 control, or (iv) generated from the construction or demolition
3 of a building, road, or other structure and used to construct,
4 on the site where the construction or demolition has taken
5 place, a manmade functional structure not to exceed 20 feet
6 above the highest point of elevation of the property
7 immediately adjacent to the new manmade functional structure as
8 that elevation existed prior to the creation of that new
9 structure, provided that the structure shall be covered with
10 sufficient soil materials to sustain vegetation or by a road or
11 structure, and further provided that no such structure shall be
12 constructed within a home rule municipality with a population
13 over 500,000 without the consent of the municipality.

14 (Source: P.A. 92-574, eff. 6-26-02; 93-179, eff. 7-11-03.);
15 and

16 on page 3, by deleting lines 30 through 35; and

17 on page 4, by deleting lines 1 through 3; and

18 on page 7, by replacing lines 16 through 19 with the following:

19 "(j) Except for willful and wanton misconduct, neither the
20 State, the Director, nor any State employee shall be liable for
21 any damages or injuries arising out of or resulting from any
22 act or omission occurring under the provisions of this
23 amendatory Act of the 94th General Assembly.

24 (k) Before taking preventive or corrective action under
25 this Section, the Agency shall consider whether the open
26 dumping:

27 (1) occurred on public land;

28 (2) occurred on a public right-of-way;

29 (3) occurred in a park or natural area;

30 (4) occurred in an environmental justice area;

31 (5) was cause or allowed by persons other than the

1 owner of the site;

2 (6) creates the potential for groundwater
3 contamination;

4 (7) creates the potential for surface water
5 contamination;

6 (8) creates the potential for disease vectors;

7 (9) creates a fire hazard; or

8 (10) preventive or corrective action by the Agency has
9 been requested by a unit of local government.

10 In taking preventive or corrective action under this Section,
11 the Agency shall not expend more than \$50,000 at any single
12 site in response to open dumping unless: (i) the Director
13 determines that the open dumping poses an imminent and
14 substantial endangerment to the public health or welfare or the
15 environment; or (ii) the General Assembly appropriates more
16 than \$50,000 for preventive or corrective action in response to
17 the open dumping, in which case the Agency may spend the
18 appropriated amount."; and

19 on page 12, by replacing lines 20 through 24 with the
20 following:

21 "(4) This subsection (b) does not apply to:

22 (A) the use of clean construction or demolition debris
23 as fill material in a current or former quarry, mine, or
24 other excavation located on the site where the clean
25 construction or demolition debris was generated; or

26 (B) the use of clean construction or demolition debris
27 as fill material in an excavation other than a current or
28 former quarry or mine if this use complies with Illinois
29 Department of Transportation specifications."; and

30 on page 37, by deleting lines 22 through 34; and

31 by deleting pages 38 through 51; and

1 on page 52, by deleting lines 1 through 30.